

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

CANTEEN VENDING COMPANY,  
Individually and on behalf of a class of all those  
similarly situated,

Plaintiff,

- v -

CADBURY ADAMS CANADA, INC.,  
CADBURY SCHWEPPE'S PLC, CADBURY  
ADAMS USA LLC, HERSHEY CANADA  
INC., THE HERSHEY COMPANY, MARS  
CANADA INC., MARS, INC., MARS NORTH  
AMERICA, MARS SNACKFOODS US,  
NESTLE CANADA INC., NESTLE S.A.,  
and NESTLE USA,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 1205

Judge Berman

TO: (name and address of Defendant)

The Hershey Company  
100 Crystal A Drive  
Hershey, Pennsylvania 17033

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address):

Tanya Chutkan  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Ave. N.W. Suite 800  
Washington, DC 20015  
(202) 237-2727

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 06 2008

CLERK

*Marcus Quintero*

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;">           _____  <i>Address of Server</i> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

MAR-03-2008 14:41 SERVING BY IRVING

212 3490338 P.02

COURT UNITED STATES DISTRICT COURT  
 COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
 CANTEN VENDING COMPANY, INDIVIDUALLY AND ON BEHALF OF A  
 CLASS OF ALL THOSE SIMILARLY SITUATED

Plaintiff(s)

against

CADBURY ADAMS CANADA, INC., ET AL.,

Defendant(s)

Index No. 08 CV 1205 (PKC)

**AFFIDAVIT OF  
 SERVICE OF SUMMONS  
 (AND COMPLAINT)**

SEE ATTACHED RIDER

STATE OF PENNSYLVANIA, COUNTY OF DAUPHIN

SS: The undersigned, being duly sworn, deposes and says: deponent is not a

party herein, is over 18 years of age and resides IN THE STATE OF PENNSYLVANIA

That on 2/22/08 at 2:25 P M., at 100 CRYSTAL A DRIVE, HERSHEY, PENNSYLVANIA

deponent served the within summons, and complaint on

defendant therein named,

THE HERSHEY COMPANY

SEE ATTACHED RIDER

**INDIVIDUAL** by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
 1. ☐ said defendant therein.  
**CORPORATION** a DOMESTIC corporation, by delivering thereto a true copy of each to BARBARA A. SHANAHAN  
 2. ☒ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
 knew said individual to be MANAGING AGENT thereof.  
**SUITABLE AGE PERSON** by delivering thereto a true copy of each to a person of suitable age  
 3. ☐ and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
**AFFIXING TO DOOR, ETC.** by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
 4. ☐ usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
 and discretion thereat, having called there

MAILING TO  
 RESIDENCE  
 USE WITH 3 OR 464. ☐MAILING TO  
 BUSINESS  
 USE WITH 3 OR 466. ☐DESCRIBING  
 USE WITH  
 1, 2, OR 3

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
 defendant at defendant's last known residence, at and deposited  
 said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
 addressed to defendant at defendant's actual place of business, at  
 in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
 the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
 communication was from an attorney or concerned an action against the defendant.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
 OFF. CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
 legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
 SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
 capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
 my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
 belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
 the State or in the Federal statutes.

Sworn to before me on

March 12 2008

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

ELIZABETH A. GOWNLEY, Notary Public  
 Susquehanna Twp., Dauphin County  
 My Commission Expires May 12, 2011

PRINT NAME (REPEAT SIGNATURE)

License No.

N/A

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

TOTAL P.02

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
CANTEEN VENDING COMPANY, INDIVIDUALLY AND ON  
BEHALF OF A CLASS OF ALL THOSE SIMILARLY SITUATED

Index No. 08 CV 1205(PKC)

Plaintiff,

vs.

**RIDER TO  
AFFIDAVIT OF SERVICE**

CADBURY ADAMS CANADA, INC., ET AL.,

Defendants,  
-----X

List Of Documents Served:

- Summons In A Civil Action;
- Class Action Complaint;
- Hon. Richard M. Berman's Memo Endorsed dated February 6,2008;
- Notice Of Reassignment;
- Individual Practices Of Judge P. Kevin Castel;
- Individual Rules Of Practice Of Judge Kevin Nathaniel Fox;
- 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case Or Appeal.